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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/300,139	04/27/1999	GARY S. GREENBAUM	REALNET.009A	4138

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EXAMINER

SENF1, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 05/07/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/300,139

Applicant(s)

GREENBAUM ET AL.

Examiner

Behrooz Senfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. *Applicant's arguments filed Feb. 13, 2003 have been fully considered but they are not persuasive.*

*Applicant's amend (Paper no. 13, page 1) claims 1, 9, 10, 24, 34, and added claims 46 through 54.*

#### *Response to Remarks:*

*Applicant asserts (Paper no. 13, page 5, lines 22+), that "encoding input media signal to generate the plurality of encoded representations, wherein at least a portion of the media signal is included in each representation". In contrast, "Boon describes that an image signal can be encoded one of two alternative ways: with shape data or with shape and texture data", it is true.*

*In response, Examiner respectfully disagrees, because Boon's encoded shape data and shape and texture data are both resulted from one single input being encoded with different set of encoding (i.e. fig. 3), which reads on the broad language of the claim. Boon's shape data and shape texture data both includes a portion of the image data and both are derived from portion of image data.*

*Applicant asserts (Paper no. 13, pages 5- 6, lines 32 - 2) that Boon does not teach or suggest "encoding a representation of a selected part of the media signal by each of the method".*

*In response, Examiner respectfully fails to see where this limitation cited/ claimed in the amended claims 1,9, 10, 24, and 34. Therefore, it was not previously considered.*

*In view of the above, the previous rejection as stated in (Paper no. 9, dated Aug. 14, 2002) with regards to amended claims 1, 9, 10, 24, and 34, still applies.*

*Claims 1 – 12, 14 – 17, 19 – 20, 22, 24 – 32, 34 – 42 and 44 – 45, are rejected under 35 U.S.C. 102(e) as being anticipated by Boon (US 2001/0013952 A1).*

*Claims 13, 18, 21, 23, 33 and 43, are rejected under 35 U.S.C. 103(a) as being unpatentable over Boon (US 2001/0013952) in view of Trans (US 2001/0038674).*

*Furthermore, as for newly added limitation “at least a portion of the media signal is included in each representation” to amended claims 1, 9, 10, 24, and 34 as recited does not further define the claimed invention. Certainly, each encoded representation must have at least a portion of the input video data.*

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. *Claims 46, 47, and 51 – 54, are rejected under 35 U.S.C. 102(e) as being anticipated by Boon (US 2001/0013952 A1).*

*Regarding claim 46, Boon '952 discloses a method of encoding, (i.e. fig. 3 of Boon), and the claimed limitation “encoding a media signal to generate the plurality of encoded*

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*representations for at least a selected part of the media signal ..... ” reads on (i.e. fig. 3, shape and shape texture representations, Page 12, sections 0203 and 0204, and page 5, section 0055 for selecting), and wherein “each representation is encoded according to a different set of encoding parameters” reads on (i.e. fig. 3, arithmetic encoder and conventional encoder using different parameters), and the claimed “decoding to play the selected part ..... ” reads on (fig. 5, decoding part of the system), and as for limitation using “color data, motion vector data and/or discrete cosine coefficients”, please see (page 1, section 0008 regarding color signal, and fig. 3, units ME and MC for motion vector and unit 134 DCT, for discrete cosine coefficients).*

*Regarding claims 47, 51, and 52, Boon '952 discloses the claimed “plurality of encoded representations are interleaved in an output file” (i.e. fig. 3, multiplexer 150), that serves for interleaving purpose, and as for the claimed “each of the encoded representations is a representation of a portion of the input” and also “each of the encoded representations is a representation of the entire input media” is inherent, the portion of the input will be selectively encoded and the encoded portion/representation will/must include a portion of the input media data, and ultimately the output of the signal/media will cover the entire input signal.*

*Regarding claims 53 and 54, the claimed limitation “storing encode representations in a memory consisting of at least one of the media server, download server, hard disk drive, ..... ” reads on (i.e. page 6, section 0080, recording medium and figs. 3 and 5, memory banks 102a).*

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. *Claims 48 – 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boon (US 2001/0013952 A1).*

*Regarding claims 48, Boon discloses image transmission and encoding input signal to generate plurality of encoded representation as discussed above.*

*Boon '952 fails to particularly teach, "the input signal comprises a plurality of different media sources". However, the coding and decoding part of Boon '952 are in MPEG protocol environment, therefore it would have been obvious to one ordinary skill in the art, that MPEG is capable of processing different media/multimedia input signal (like audio, video, and etc) as claimed.*

*Regarding claims 49 – 50, the limitations claimed are substantially similar to claim 48, therefore the grounds for rejecting claim 48, also apply here.*

#### **Conclusion**

5. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrooz Senfi whose telephone number is (703)305-0132.*

*If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703)305-4856.*

***Any response to this action should be mailed to:***

*Commissioner of Patents and Trademarks*

*Washington, D.C. 20231*

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**Or faxed to:**

**(703) 872-9314**

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).*

*Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.*

*B. S. B. S.*

05/02/2003

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600